

**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2012-61-sam

Open Date:
16 Aug 2013

Close Date:
16 Sep 2013

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Scott A. Matthews
8902 Otis Avenue, Suite S106B
Indianapolis, IN 46216-1056

Phone: 317-543-9424

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

AGENT: Hanson Professional Services, Inc.
2629 Waterfront Parkway East Drive, Suite 375
Indianapolis, Indiana 46214

LOCATION: Beginning at the intersection of existing State Road 641 and McDaniel Road and ending at the intersection of State Road 46 and Interstate 70 in Terre Haute, Vigo County, Indiana.

Latitude: 39.4126° N
Longitude: 87.3467° W
7.5 Minute Quad: Seelyville, IN

PURPOSE: The purpose of the project is to construct Phases 3 and 4 of the State Road (SR) 641 bypass. The bypass would provide a primary link to local and state networks as well as a diversion of traffic from the congested U.S. 41.

BACKGROUND: A public notice announcing the applicant's proposal to construct Phase 3 of the SR 641 bypass was issued on February 29, 2012. During the Corps' review of that proposal, the applicant and their contractor commenced mechanical clearing and grading activities for Phases 3 and 4 resulting in the unauthorized discharge of fill material into "waters of the U.S." An administrative action by the U.S. Environmental Protection Agency (USEPA), Region V, was commenced and concluded by the issuance of a consent agreement and final order (CAFO). Subsequent to the CAFO, Phases 3 and 4 were combined in an After-the-Fact (ATF) permit application.

DESCRIPTION OF WORK: The applicant proposes to construct Phases 3 and 4 of the SR 641 bypass including new interchange construction at Riley Road and SR 46 and modifications to the existing interchange at SR 46 and Interstate 70. Approximately 26,862 cubic yards (cys) of fill

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material would be discharged into 30 wetlands and open water ponds (totaling 9.145 acres), and 5,652 cys of fill material would be discharged into 22 streams (totaling 12,070 linear feet (lf)). The fill material would consist of clean earthen fill, limestone riprap, and poured concrete. The following table summarizes the proposed impacts to "waters of the United States":

Phase 3					
Water Resources	Resource Type	ATF Impact (LF)	ATF Impact (Acre)	Proposed Total Impact (LF)	Proposed Total Impact (Acres)
Wetland 10	Scrub-shrub	NA	0.09	NA	1.11
Wetland 11	Emergent	NA	0	NA	0.47
Wetland 18	Forested	NA	0	NA	0.3
Wetland 31	Emergent	NA	0.42	NA	0.42
Wetland 35	Forested	NA	0	NA	0.11
Wetland 36	Forested	NA	0	NA	0.005
Wetland 45	Forested	NA	0	NA	0.06
Wetland 46	Emergent	NA	0	NA	0.05
Wetland 47	Emergent	NA	0	NA	0.11
Wetland A	Forested	NA	0.08	NA	0.08
Wetland B	Emergent	NA	0.08	NA	0.08
Pond 3A	Open Water	NA	0	NA	1.8
Stream 2	Ephemeral	291	NA	436	NA
Stream 3	Ephemeral	293	NA	293	NA
Stream 4	Ephemeral	0	NA	109	NA
Stream 6	Ephemeral	386	NA	386	NA
Stream 7	Ephemeral	31	NA	31	NA
Stream 8	Ephemeral	410	NA	460	NA
Stream 9	Ephemeral	180	NA	185	NA
Site 15	Intermittent	0	NA	264	NA
Site 18	Ephemeral	0	NA	158	NA
Site 22	Ephemeral	506	NA	506	NA
Little Honey Creek (LHC)	Perennial	0	NA	504	NA
UNT to LHC	Perennial	0	NA	107	NA
Stream X	Ephemeral	40	NA	40	NA
Stream Y	Ephemeral	20	NA	20	NA
Phase 3 Total		2157	0.67	3499	4.595
Phase 4					
Wetland 19	Forested	NA	0.54	NA	0.54
Wetland 20	Emergent	NA	0	NA	0.31

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Wetland 21	Forested	NA	0.03	NA	0.03
Wetland 22	Forested	NA	0.26	NA	0.26
Wetland 23	Forested	NA	0.11	NA	1.09
Wetland 25A	Forested	NA	0.04	NA	0.04
Wetland 25B	Forested	NA	0	NA	0.02
Wetland 26	Emergent	NA	0	NA	0.81
Wetland 29	Forested	NA	0.15	NA	0.15
Wetland 30	Emergent	NA	0	NA	0.08
Wetland 46	Emergent	NA	0	NA	0.05
Wetland 47	Emergent	NA	0	NA	0.02
Wetland 48	Emergent	NA	0	NA	0.02
Wetland 49	Forested	NA	0.09	NA	0.09
Wetland 51	Forested	NA	0.43	NA	0.55
Wetland 53	Forested	NA	0.07	NA	0.07
Wetland 55	Forested	NA	0.31	NA	0.31
Wetland 57	Forested	NA	0.03	NA	0.11
LHC	Perennial	0	NA	5,985	NA
Trib 1 to LHC	Ephemeral	0	NA	418	NA
UNT A to LHC	Ephemeral	0	NA	469	NA
UNT B to LHC	Ephemeral	0	NA	180	NA
UNT C to LHC	Ephemeral	0	NA	333	NA
UNT D to LHC	Ephemeral	0	NA	513	NA
UNT E to LHC	Ephemeral	163	NA	434	NA
UNT F to LHC	Ephemeral	0	NA	74	NA
UNT K to LHC	Ephemeral	0	NA	120	NA
UNT Z to LHC	Ephemeral	45	NA	45	NA
Total Phase 4		208	2.06	8,571	4.55
Project Total		2,365	2.73	12,070	9.145

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has analyzed design alternatives for all phases of SR 641 in a Final Environmental Impact Statement (FEIS) approved March 2000. The preferred alternative, Line CX, was used to construct Phases 1 and 2; however, it was determined Line CX was not the Least Environmentally Damaging Practicable Alternative (LEDPA) for Phases 3 and 4. The applicant prepared an Environmental Assessment (approved February 2010) to examine four additional alternatives. Lines E1 and E2 would have resulted in the construction of a new Interstate 70 interchange at an unsafe proximity to the existing SR 46 interchange; therefore, these alternatives were eliminated. Line E3a would require a grade separation at Riley Road and an interchange at SR 46. This alternative would have increased costs and environmental impacts and was eliminated from further consideration. Line E3b would relocate Riley Road to combine it with SR 46 using a dual roundabout interchange with SR 641 and is the

applicant's preferred alternative. Impacts to streams and wetlands were minimized to the greatest extent possible.

Mitigation would be required to compensate for the proposed impacts to streams and wetlands along the proposed alignment. The applicant proposes onsite mitigation with enhancement of 6,089 lf of Little Honey Creek and construction of 6.21 acres of adjacent forested wetlands. Additionally, the applicant proposes offsite mitigation at seven locations that includes the preservation of a 3,430 lf riparian corridor adjacent to the Wabash River, the enhancement of 2,700 lf of unnamed tributaries to Honey Creek, the enhancement of 3,325 lf of Lost Creek, and the construction of 16.1 acres of forested wetlands. The proposed mitigation is located within the same 8-digit HUC watershed (05120111) as the impact sites. Copies of plan sheets and figures are available upon request.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest, which might be damaged by issuance of the DA Permit.

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The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings

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are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments or requests for additional information regarding this proposal should be addressed to Scott Matthews at the address noted above and should refer to the Public Notice Number LRL-2012-61-sam.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2012-61-sam.

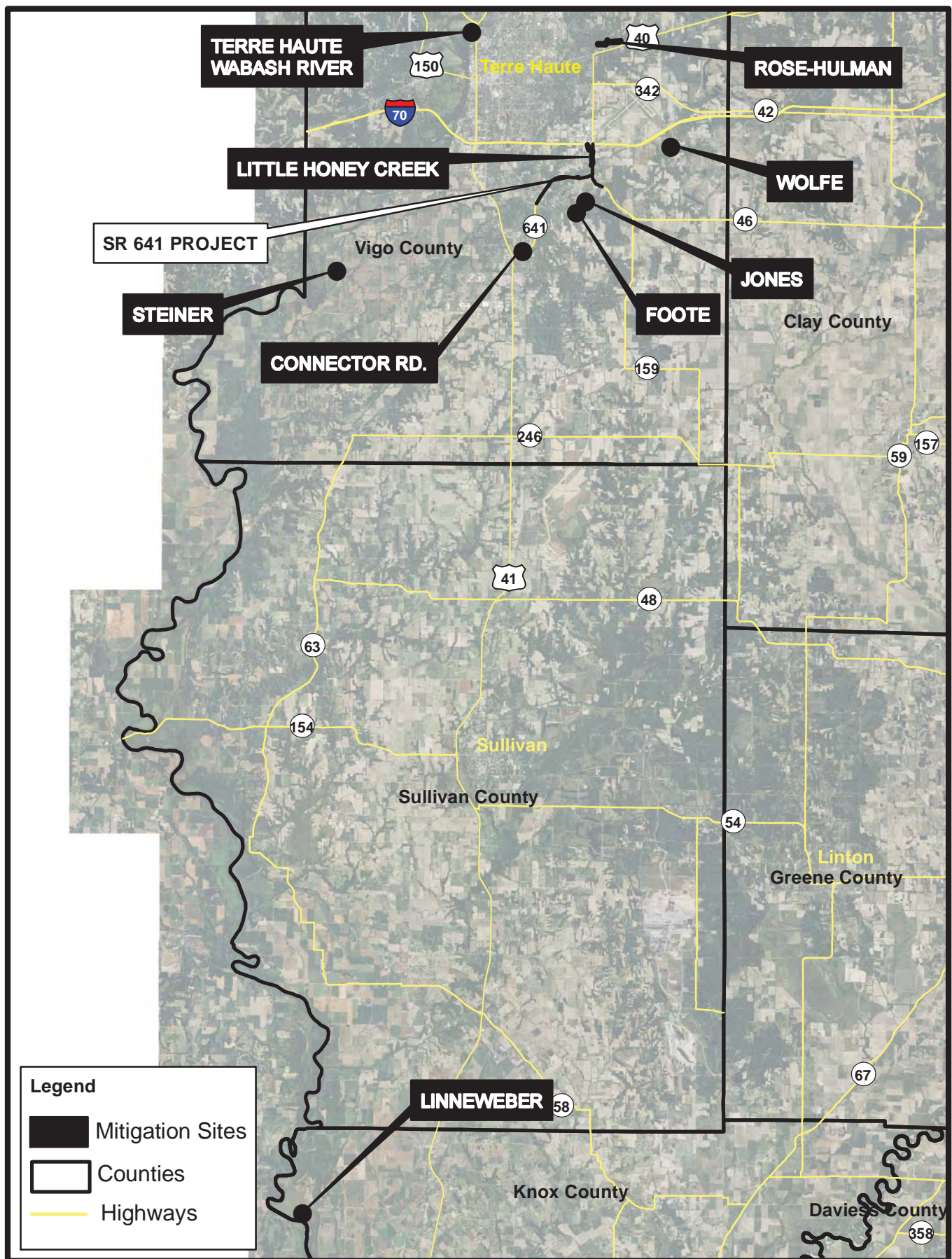
Example:

Subject: LRL-2012-61-sam

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

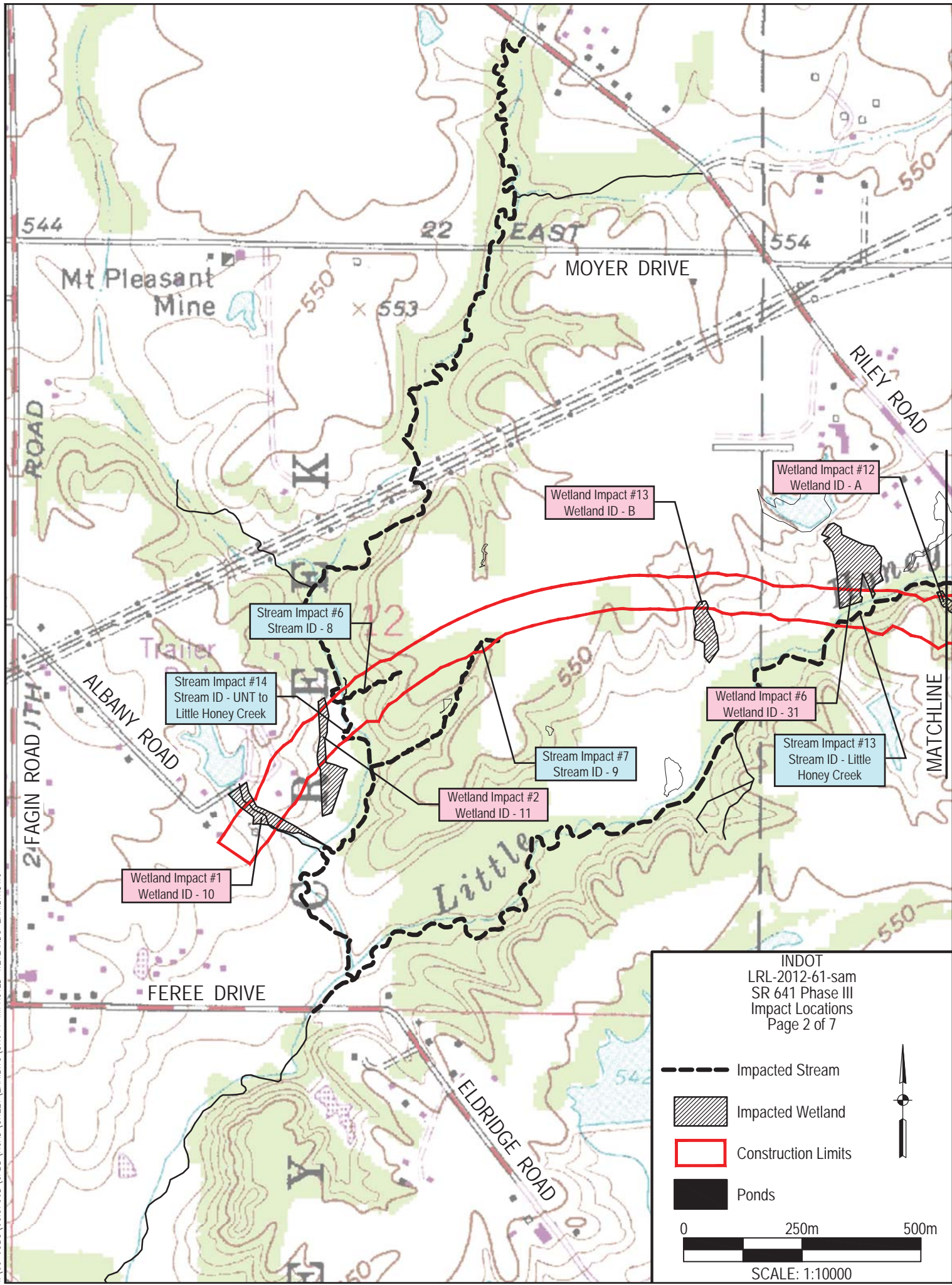


0 2.5 5 10 Miles



SR 641 Terre Haute Bypass, Phase III and IV
USACE ID No. LRL-2012-61-sam
Mitigation Sites Location Map
Sheet 1 of 7

MAY 20, 2013 11:09 AM CANN000795
I:\03 JOBS\03137800\CADD\ROAD\ROAD\IMPACTED WETLANDS EXHIBIT.DWG



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SR 641 Phase III
Impact Locations
Page 2 of 7

--- Impacted Stream

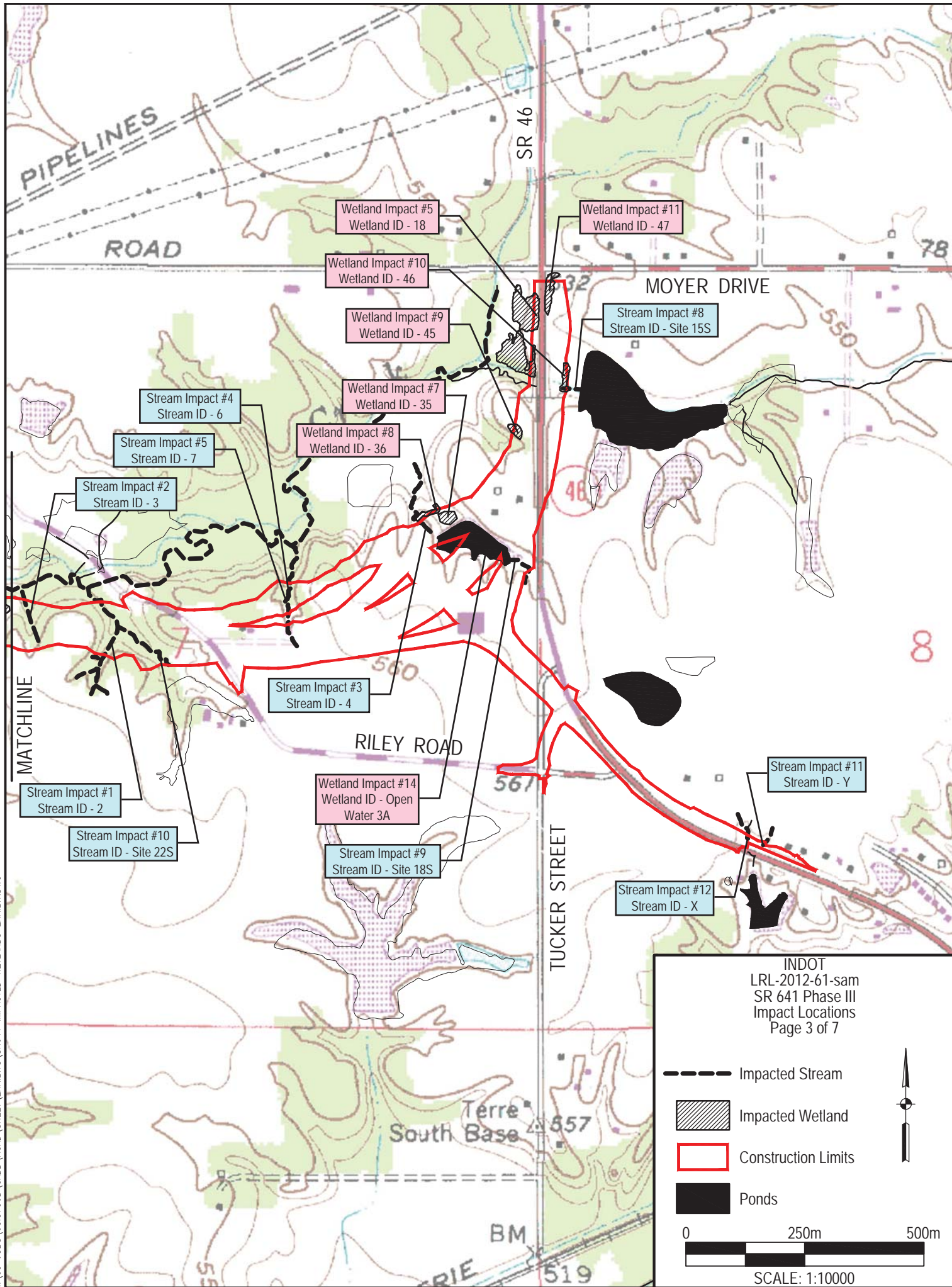
▨ Impacted Wetland

▭ Construction Limits

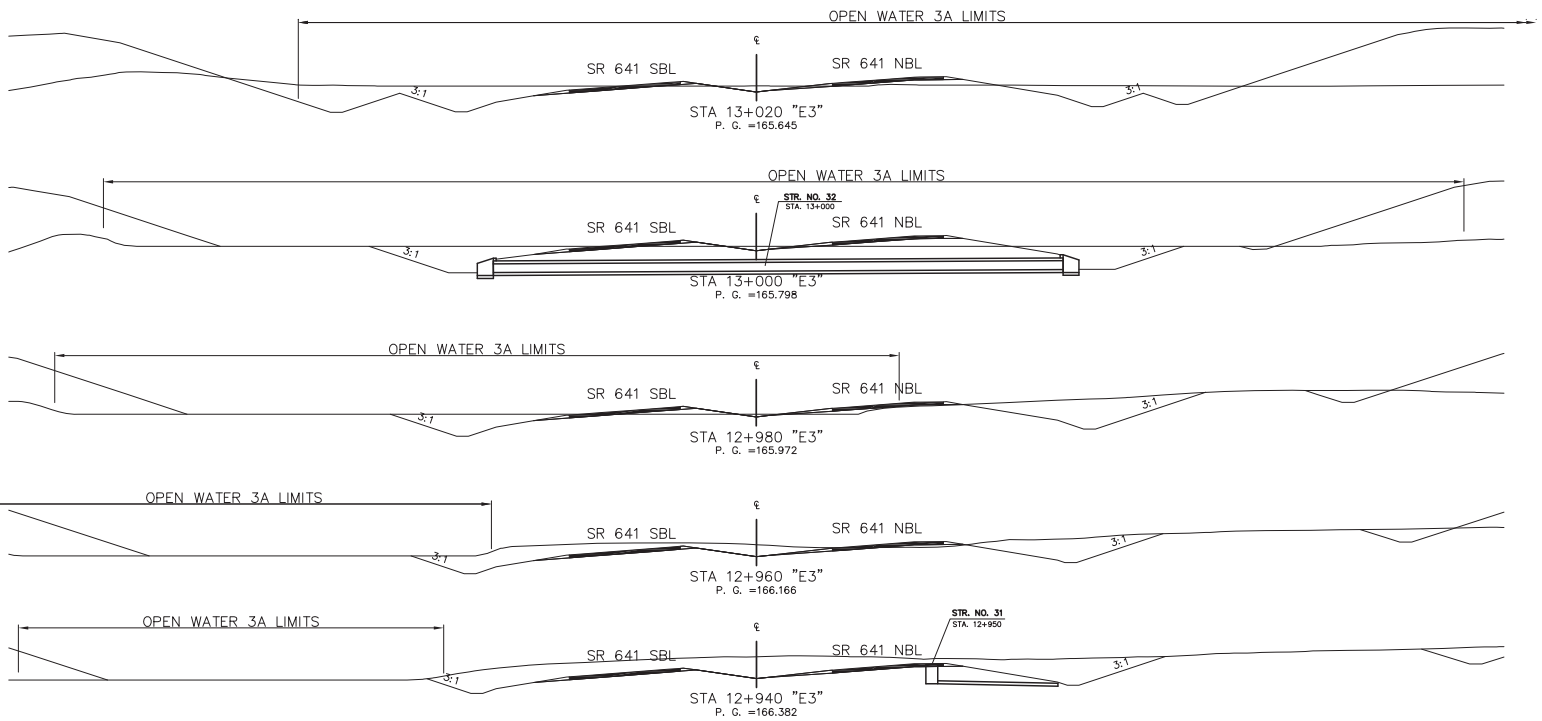
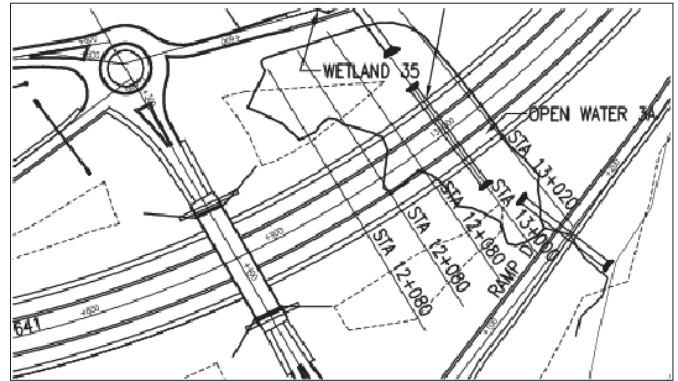
■ Ponds

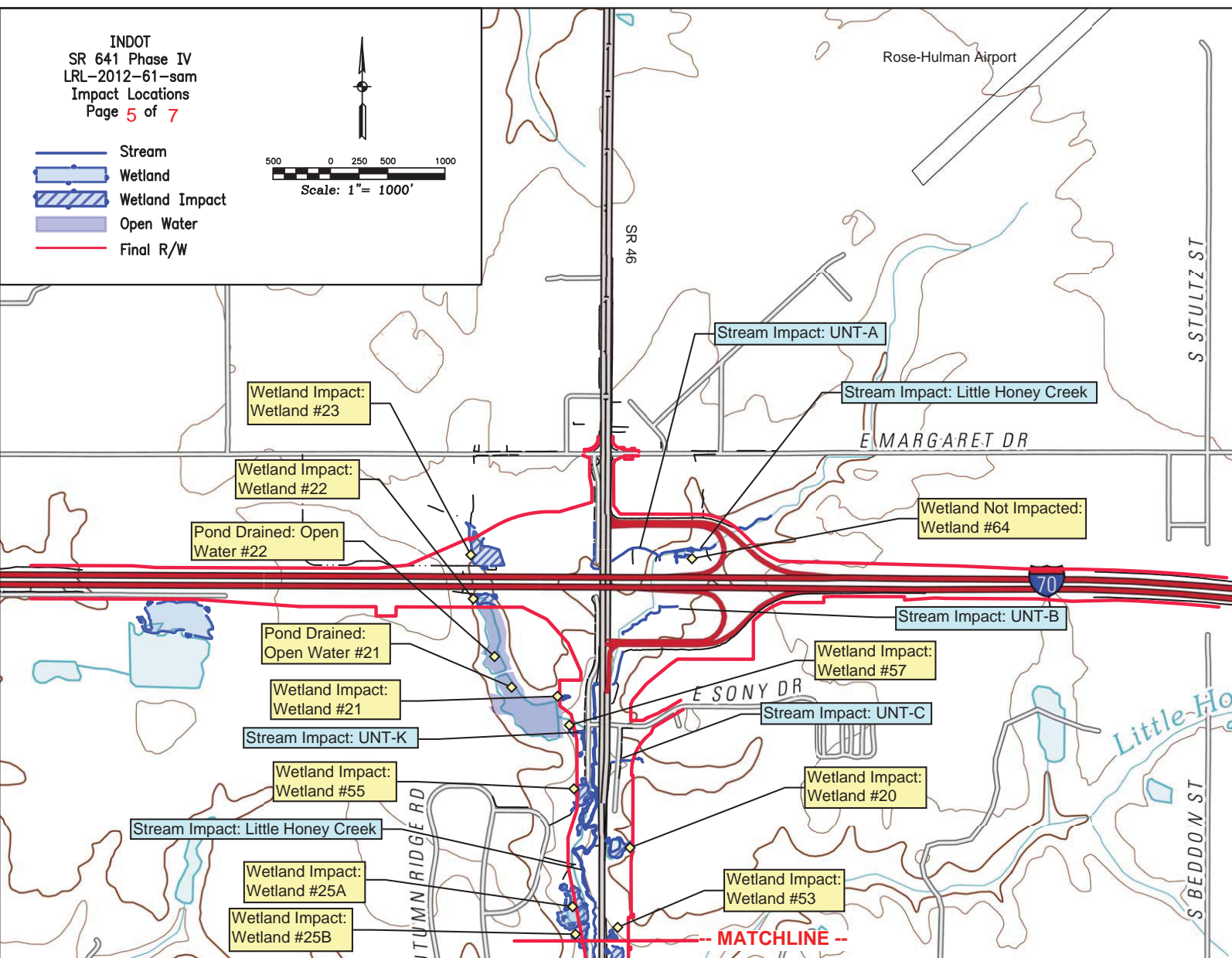
0 250m 500m

SCALE: 1:10000

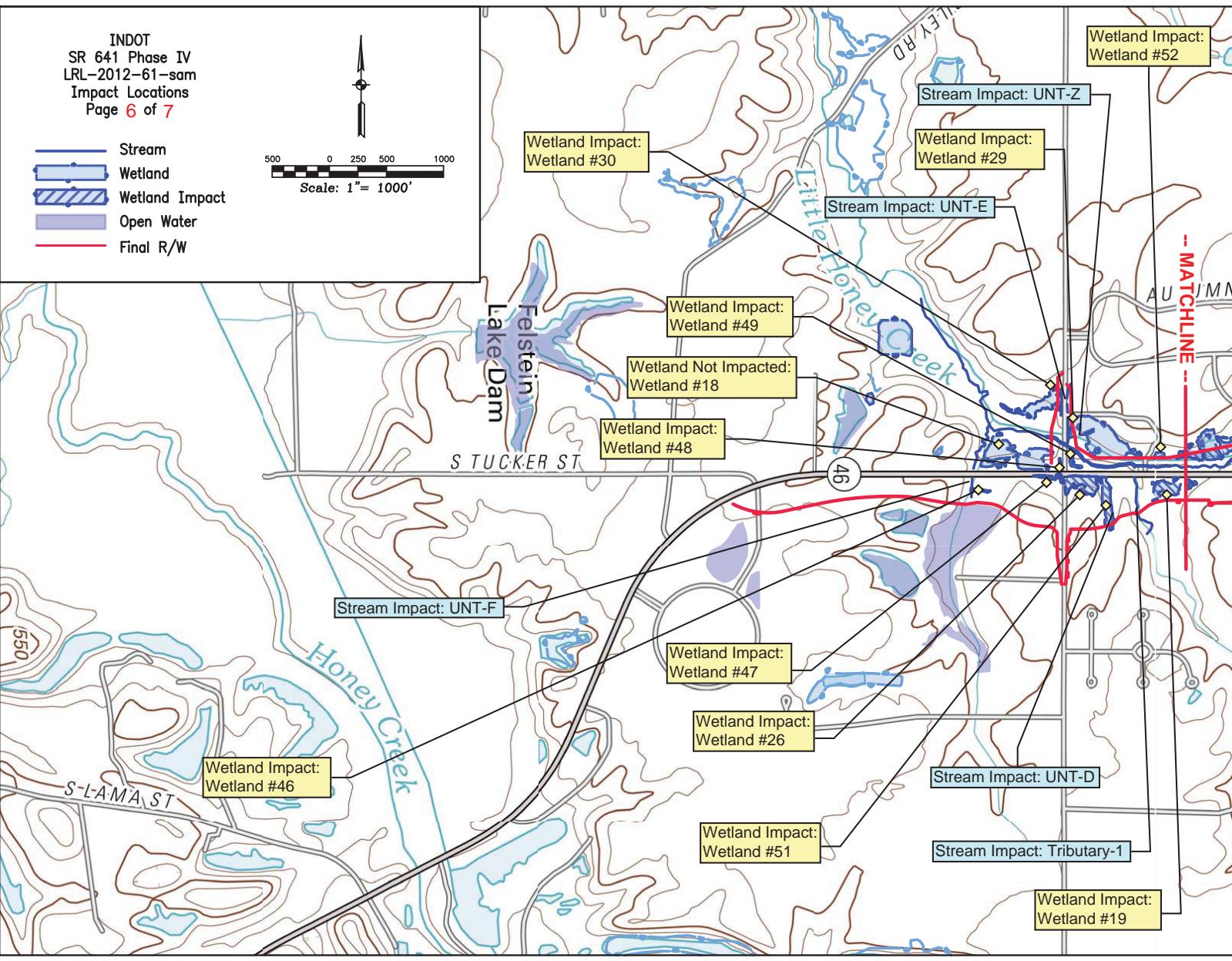
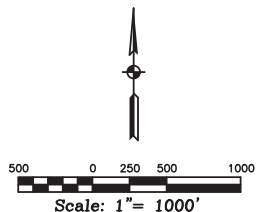


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 SR 641 Phase III
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 Open Water 3A Impacts
 Page 4 of 7
 Not to Scale

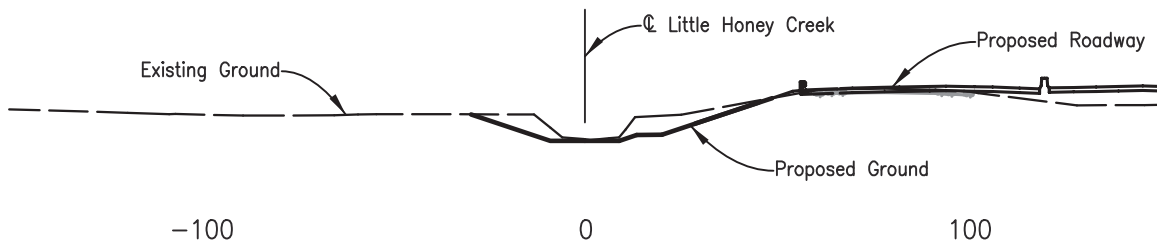




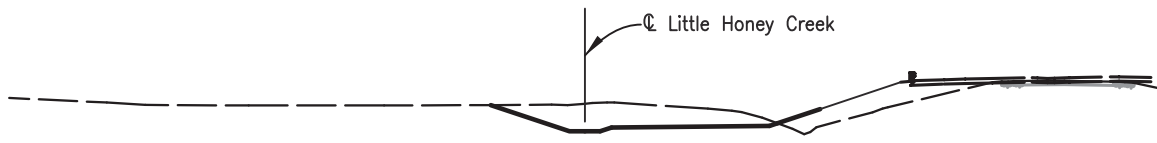
- Stream
- Wetland
- Wetland Impact
- Open Water
- Final R/W



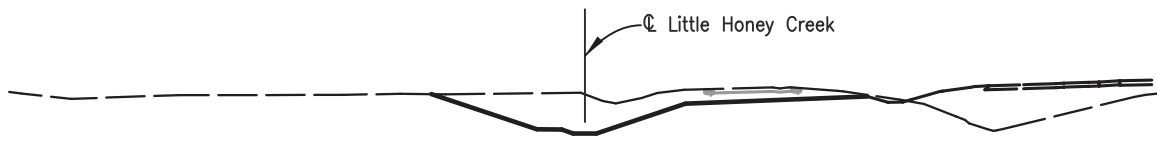
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 SR 641 Phase IV
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 Typical Little Honey Creek Sections
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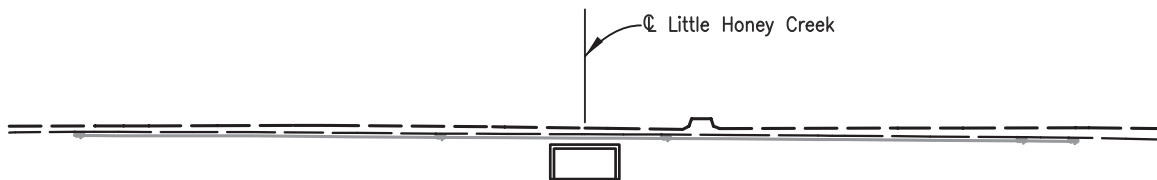
West of SR 641
 Approx. 500' N. of Moyer Rd.
 18' wide channel



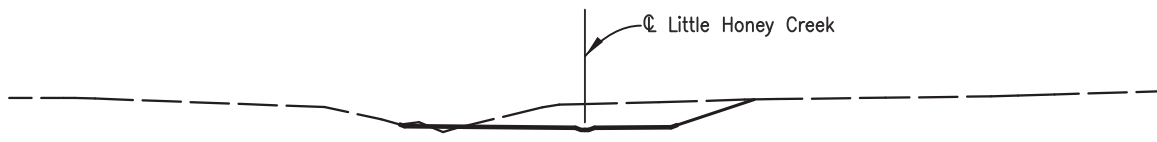
West of SR 641
 Approx. 1,300' N. of Moyer Rd.
 8' wide channel



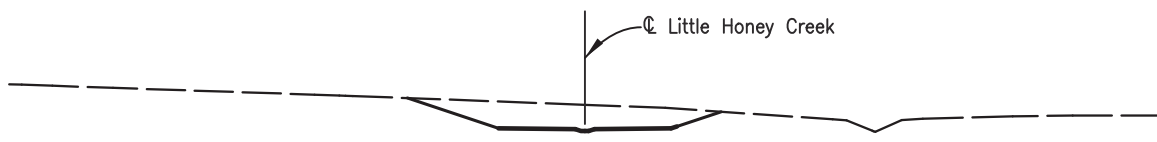
West of SR 641
 Approx. 3,100' N. of Moyer Rd.
 6' wide channel



Culvert Crossing under SR 641



South of I-70 in Interchange
 2' wide channel



North of I-70 in Interchange
 2' wide channel